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The Alledger

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# THE ALLEDGER

BOSTON COLLEGE LAW SCHOOL BIWEEKLY

Vol. II, No. 2

Newton Center, Massachusetts

October 4, 1982

## Making Law Review: *Big Deal or Big Mistake?*

by Tim Borchers and Anne Bingham

With the last submission to the **Third World Law Journal** last Monday, at least half of the Class of 1984 had completed what may have been one of the most important writings of their lives, one perceived as passage to early success in their legal careers—the law review writing competitions. A much larger number began the process by picking up the competition memoranda from the offices of B.C.'s five legal publications. A still larger number, presumably, toyed with the idea of writing on. In the final analysis, however, some 56 second year students will have succeeded in "writing on" to a legal publication this year at B.C. Added to the number who graded on, 42, the total "on law review" comes to about 100, or 37 percent of the second year class.

This edition of **The Alledger** will examine many of the issues relating to law review, such as the mechanics of making it on, how the reviews work, what are their histories, purposes and politics, and how does law review status improve one's education and affect one's attractiveness to employers.

### THE HONORARY REVIEWS

The Boston College Law Review, the **Boston College Environmental Affairs Law Review (E.A.)** and the **Boston College International and Comparative Law Review** are the law school's three honorary reviews, with positions open to all grade invitees, those forty or so students who in their first year had GPA's of 3.30 or above. These students were invited in August via letters from each of the reviews to join and to write during their second year. Many of these letters, it turns out, did not reach students for various reasons, causing a bit of confusion to the students on their return this fall. But most grade invitees were informed in advance of the deadlines for signing up and submitting topics to the editors.

This year 32 grade invitees chose the **B.C. Law Review**, six chose the **International** and none the **E.A.** That represents a significant change from last year when 20 chose **B.C.**, 10 **International**, and 8 **E.A.** These figures reflect the general perception of students that a position on the "generic" law review is held in higher esteem than a position elsewhere. It is no news that many law firms turn their noses up at anything but the traditional reviews, thinking that the only

CONT. ON P. 4



LSA President Fred Grant

Ian Veitzer

## WHAT IS THE LSA DOING?

by Michael Kilkelly

The new school year has brought a new year of activity for the Law Students Association. A new slate of officers led by President Fred Grant has begun its term by trying to get a rein on the administrative structure of the LSA. Much of the first meetings of the LSA board have centered around instituting a formal budget procedure, so that the LSA can give a better account of where the \$8 collected from each law school student is going. As a start, Grant is trying to balance last year's books to figure out how much money was spent and on what programs. The LSA has also voted to set up a Budget Committee composed of the President and the other LSA officers, as well as two

additional students. The Budget Committee will decide on all requests for funds of under \$400 and pass all requests of \$400 or more on to the LSA board, after its approval.

### BOOK CO-OP THREATENED

The first major operation for the LSA was the Book Co-op. Run from the LSA office by Charla Bizios, this year's co-op was the largest ever. By maintaining regular hours over the first three weeks of school, the co-op was able to sell many more students' books for them than ever before.

The success of the co-op is one factor that may threaten its continued existence. Amid the rush of students, and especially the

CONT. ON P. 6

## JAG Recruitment Controversy

by Larry Bird

Student activism of a type reminiscent of the 1960's may reappear on the B.C. Law campus on October 18th. That is the scheduled date of an on-campus recruiting visit by a member of the Army's Judge Advocate General Corps. Some law students, chiefly members of the Boston College chapter of the National Lawyers' Guild, are seeking to prevent the visit because the J.A.G. Corps is alleged to openly discriminate in hiring on the bases of age, disability and sexual preference. Guild members have been lobbying the faculty and administration to bar the visit, and have discussed the possibility of organizing a peaceful demonstration if the visit does take place.

Opponents of the visit urge that, by allowing JAG Corps to recruit on campus, the law school is abdicating its responsibility to stand behind each of its students, and is violating its own established

placement policies. Published Placement Office policies for 1982-3 include:

"Boston College Law School is committed to a policy against discrimination based on age, sex, race, color, religious creed, disability or national origin. It is expected that employers will comply with this policy, . . . and that they will take positive steps to assure that no such discrimination occurs in hiring . . ."

In addition, opponents of the visit contend that institutions such as law schools have a responsibility to actively oppose discrimination, or at least to refrain from abetting it.

A proposal to bar JAG Corps from the campus was made at a faculty meeting earlier this year, and the matter was referred to the student-faculty placement committee chaired by Professor Scott FitzGibbon. The committee consists of five faculty members, three students, and three *ex officio*

CONT. ON P. 7



No more Mr. Nice Guy

Ian Veitzer

## PARKING UPDATE

by Ian Veitzer

On September 21, L.S.A. President Fred Grant sent an informational letter to Boston College Police Chief Watson. In his letter, Mr. Grant detailed problems with parking, campus lighting, and several alleged police harassments. On September 28, Police Lieutenant Brown expressed the official Police position on these matters.

"The problem with parking," according to Lt. Brown, "is that everyone thinks it's a problem. This happens every year, particularly

during the first few weeks. We really don't anticipate any problem once we clear out all the non-registered cars. Once we get rid of those, there should be plenty of parking spaces." To combat the problem of non-registered cars parking on campus, police have transferred several officers to the Newton campus, where they have been refusing entrance to any cars without a valid sticker. In addition, non-registered cars found parked in the Newton lots will be towed.

In the meantime, the parking

CONT. ON P. 3



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Editor-in-Chief Sheryl Serreze  
Managing Editor Michael Kilkelly  
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Features Editor Barbara Epstein  
Photo Editor Ian Veitzer  
Business Manager Michael Clancy  
Staff for this issue Dan Winslow  
Susan Taylor  
Anne Bingham  
Larry Bird

## P. A. D. COMMENT

The origin of Phi Alpha Delta is unique in that it is the only law fraternity whose roots were nurtured in a legal controversy. In 1897 the Supreme Court adopted new rules for admission to the Illinois Bar which would have adversely affected many of the students then preparing for admission. The students organized the "Law Students League," and through court and legislative action, succeeded in exempting students already in law programs.

The League grew into the Lambda Epsilon Fraternity, Lambda standing for "law," and Epsilon for "equity". Interest in such a brotherhood in the legal profession grew, and the national fraternity of Phi Alpha Delta, replacing the name of Lambda Epsilon, emerged in 1902.

Today there are over 150 law school chapters, and more than 70 alumni chapters. The present membership embraces nearly 100,000 persons throughout the world, making it the second largest legal professional organization (only the ABA is larger) with more active chapters than any other law fraternity.

Phi Alpha Delta is a fraternity of firsts. In 1950, Phi Alpha Delta was the first law fraternity to admit non-caucasian members. In 1970 it became the first law fraternity to admit women. In 1972 it merged with Phi Delta Delta, the leading women's law fraternity, bringing 5,000 leading women judges, attorneys, and educators into its membership. In 1979 Phi Alpha Delta became the first law fraternity to receive national recognition and funding from Congress to implement a Juvenile Justice and Delinquency Prevention Program.

The benefits of membership in Phi Alpha Delta are numerous. From student loans and job preparation and placement to professional programs, Phi Alpha Delta is committed to the support of the law student and the practicing professional. It is an organization of which one can be proud to be member throughout one's life.

For information regarding the organization and membership, stop by the Phi Alpha Delta office, Room 201D (Stuart), Tuesday and Thursday 1-4 p.m., Friday 11-12. We will be accepting applications for membership until October 14, with the induction ceremony to take place Oct. 15 at 7 p.m., followed by a reception.

Stephen Brice, Chapter Justice

# Harvard Students Boycott

by Dan Winslow

The Harvard Black Law Students Association (BLSA) has organized a boycott against a course entitled "Racial Discrimination and Civil Rights". The reason for the boycott, according to the national press, is that one of the two attorneys who will be teaching the course this winter, Jack Greenberg, is white. The New York Times greeted news of the boycott by delivering an editorial critical of the "blind pride" of the Harvard law students, and noting that "there is little point to pride if its price is ignorance." Even black journalist Carl T. Rowan examined the "deplorable behavior of black law students at Harvard University" and wondered how the Harvard "youngsters" could "vent their anger and frustration in mean and stupid ways. . . . Could the problem be", thought Rowan, "that their president is Muhammad Kenyatta, of Islamic mind-bent, who can't get past the fact that Greenberg is a Jew, and who wants to blame him for everything Israel has done in Lebanon?"

Muhammad Isaiiah Kenyatta, who at 38 is a Baptist minister and civil rights activist from Philadelphia, doesn't think so. According to Kenyatta, the Harvard boycott has implications affecting both the diversity of law school faculty hiring throughout the country as well as the future of affirmative action in America. "Affirmative action", claims Kenyatta, "is currently under attack as 'reverse racism': everybody from the K.K.K. screaming 'niggers get everything' to Reagan's justice department saying that affirmative action is unconstitutional." The widespread labelling of the Harvard boycott as a "reverse racist" action is one indication of the extent to which Kenyatta believes affirmative action in law schools and elsewhere is under fire. But, if the boycott of the course to be taught by Greenberg is not racism in reverse, what is the real reason behind the Harvard boycott?

### HISTORY

Of approximately 65 professors at the Harvard Law School, there is only one full-time tenured black faculty member, C. Clyde Ferguson. During the 1981-82 school year, Harvard BLSA organized a petition in which over five hundred students asked the law school to reinstate a course on "Constitutional Law and Minority Issues" which had been taught in the 1970s by the law school's first black professor,

Derrick Bell. After Bell left the faculty in 1980 to become the Dean of the University of Oregon Law School, the course had been dropped from the curriculum. According to Kenyatta, "The campaign for the course has been a strategem, the broader goals of which include increasing the number of full-time, tenured Black and 'Third World' faculty members at the law school." The reintroduction of the course was to be the vehicle for faculty diversity.

On December 20, according to Kenyatta, a delegation from BLSA met with Harvard Law Dean James Vorenberg to pursue the notion of a full-time minority in a tenure-track position. Vorenberg's reply, noted Kenyatta, was that "I'm sure you would prefer an excellent white professor over a mediocre black professor." "We were stunned", said Kenyatta. Vorenberg, when contacted through his secretary, declined to comment on the matter. Vorenberg then offered prominent civil rights attorney Julius Chambers, a black man, a position teaching a three-week mini-course on "Racial Discrimination and Civil Rights" during the law school's Winter Term. Vorenberg made the offer with the knowledge, according to a letter sent by Chambers to Harvard BLSA, that Chambers "was not interested in a full-time teaching position and . . . could not do the course even for three consecutive weeks." Chambers then suggested that Jack Greenberg, who is also a prominent civil rights attorney and director of the NAACP Legal Defense Fund, be asked to assist in teaching the second half of the three week course. The boycott plan was conceived shortly after Vorenberg announced that the course would be offered for three weeks with Chambers and Greenberg as its instructors.

### ACTIONS AND REACTIONS

"The reason for the boycott", says Kenyatta, "is that this course was offered directly in response to the students' request for a full-time minority professor. Fifteen days of Thurgood Marshall would have been unacceptable; we would have boycotted." Kenyatta further emphasizes the non-racist motivation for the boycott by pointing out that Harvard's course on Civil Rights is taught by a white woman, Professor Bartholet, and "we have no problem with that." However, Dean of Students Mary Upton disagrees and noted that in

the BLSA letters to the law school community, "Muhammad actually makes reference to Jack Greenberg's race."

In a letter from the boycott organizers to the Harvard Law School community, there is in fact a statement highlighting the "appropriateness of a Third World instructor to teach the Constitutional Law and Minority Issues course." The letter also states that "the lack of a Third World professor to teach Constitutional Law and Minority Issues is a manifestation of the larger problem of Third World appointments to the Harvard Law School faculty." It is this second statement that, according to Kenyatta, was the primary goal of the boycott. Kenyatta finds it ironic that the press is characterizing the secondary concern of racial empathy as the primary goal of the boycott. It is even more ironic, notes Kenyatta, that "the press is not saying . . . 'black students boycotting course taught by black professor' but are saying . . . black students boycotting course taught by white professor." This underscores the subtle racism of the media.

The boycott plan is due to be implemented this winter. Chambers and Greenberg still plan to teach the course, despite the nationwide criticism of the perceived "motives" of the boycott. Both Chambers and Greenberg have offered to talk with BLSA concerning "our mutual interest in increasing minority faculty presence at the Law School." Muhammad Kenyatta's immediate interest is to focus on "education, in the sense of educating other law students and the public at large. There are presently over 10,000 black J.D.s in this country; for a law school to claim that it can't find qualified black teachers is a crock of bull." Kenyatta's effort to inform the public of the motivation behind the Harvard boycott may already be paying off: Journalist Carl T. Rowan, in a follow-up article to his earlier column on the boycott, scolded BLSA for letting "Harvard off the hook by causing the press to focus on extraneous issues." Rowan then stated that "Harvard's president Derek Bok, and a lot of other college presidents are hiding behind gobbledygook and charades of intellectualism because they can't bring themselves to deal with simple issues of justice in a time when espousing racial justice has lost its vogue in America."

## COMING NEXT ISSUE:

- Guest editorial by Harvard Law School's Muhammad Kenyatta.
- An in-depth look at the changes in the library.
- A follow-up article on the history of the law reviews.
- Sheryl's special crossword puzzle.

FREE CLASSIFIEDS CONTINUE NEXT ISSUE

LETTERS TO THE EDITOR ARE ALWAYS WELCOME

THE DEADLINE FOR THE NEXT ISSUE IS TUESDAY OCT. 12 AT 5 P.M.



# Clair Settles In

by Barbara Epstein

"And gladly wolde (s)he lerne and gladly teche" aptly describes Visiting Associate Professor Vivian Clair's career. With us for one year, Professor Clair comes from four years of teaching at the University of Alabama School of Law. She is enjoying herself here in the "tolerant and friendly" atmosphere of the law school where she teaches Torts, Products Liability, and Criminal Law. She evidences great enthusiasm for her subject, a sense of humor, and a penchant for anecdotes (or was that antidotes?).

Raised and schooled in and around Chicago, Professor Clair received her B.A. from the University of Chicago and her J.D. from Northwestern University. After law school she worked in the Chicago Regional Office of HUD. Perceiving the agency as working against cities in actuality, due to its labyrinthine bureaucracy, she left after one year to work as a law clerk to Judge William Pell, Jr., United States Court of Appeals, Seventh Circuit. It was during this time that Professor Clair became intrigued by the relationship between law and philosophy. After three years she left her clerkship to study philosophy

at Northwestern University "for the sheer joy of it." Admitted for candidacy for a Ph.D. in philosophy, Professor Clair studied and taught there for four years and received an M.A. in philosophy. She next became interested in teaching and thereby wound up at the University of Alabama Law School.

When not researching her favorite law topics, Professor Clair confesses to being a mystery-adventure story buff. In fact, she claims, this genre is responsible for keeping alive "serious social questions in the novel." Among her favorite mystery writers is James McClure who writes of apartheid in South Africa. Professor Clair plays with the idea of writing her own mystery which takes place - where else? - in a law school.

One of Professor Clair's "hobbies" is taking cabs because she does not drive or own a car. Or she walks, although horrified by the thought of Massachusetts drivers, (perhaps because she has read too many products liability cases!) Except for the drivers, Professor Clair finds the people of New England warm and hospitable. Welcome, Professor Clair.

## PARKING UPDATE

### CONT. FROM P.1

rules will be strictly enforced, even when the parking lots are full. According to Lt. Brown, the burden is on the student to find a legal parking space. If the student cannot find a legal parking space, "he should look harder." If the student still cannot find a legal space, "he should find the worst piece of grass he can, park on it, and expect to get a ticket." The police policy was explained as a matter of practicality. "It is simply too difficult for the officer to verify that there are no legal parking spaces. It's easier to just ticket. After all, the no-parking areas are clearly marked as such."

Lt. Brown, who had not yet visited the Newton campus during the peak parking hours of 10-11 a.m., reiterated his belief that the police crack down on non-registered cars would solve the parking problem. He did acknowledge that the police's position may have to be rethought if the parking problem does not solve itself. "I don't know what we would do," said Lt. Brown, "but I'm sure we would continue ticketing people. If we didn't, people would just park anywhere, even if there were spaces available. Our job is regulation, trying to make the best use of the space available. To do that you have to have rules, and they have to be enforced."

Lt. Brown did point out that any B.C. ticket can be appealed to the University Appeals Board. The Board consists of one undergraduate, one graduate student, one faculty member, one administrative member, one staff member and a non-voting police advisor. (Lt. Brown had no comment on the apparent lack of representation for the majority of the users of the Newton Campus parking lots). To file an appeal with the Board, the student must fill out an appeal form available from the police station. An appeal must be filed within 7 days of the date of the "ticket in question." The Board then meets once a month to determine

the appeals (the next meeting is Oct. 13). The student has no right to a hearing. The student has no right to appeal the decision of the Appeals Board.

Lt. Brown said that he considered the Appeals Board to be lenient, particularly in the beginning of the year. He estimated that "about 40% of the appeals are successful." He did note, however, that "the odds are stacked against the student." Nevertheless, Lt. Brown believes that the Appeals Board is as impartial and fair as possible.

On a related subject, Lt. Brown completely dismissed a suggestion that in light of the current parking problem, the price of parking stickers should not have been increased. "Parking stickers went up for the same reasons everything else at B.C. went up. Costs went up. Wages went up. Besides, parking stickers are still a great deal. Where else can you park for a whole year for only \$15. If anything, the price of the stickers should be reversed substantially, to discourage the use of cars"

Dean Huber has also been getting complaints from the Newton Police concerning students parking on the side streets. Students should be aware that such parking must be in accordance with posted parking signs or the Newton Police will also ticket and tow.

## Rape near B.C.

The **Alledger** is informed of a high incidence of rape and attempted rape in the vicinity of Boston College's campuses. The **Heights** this reported a rape on Lake Street near Commonwealth Avenue and one attempted rape on St. Thomas More Road both of which occurred in the last two weeks. A suspect was arrested in connection with the attempted rape. Tuesday's **Boston Globe** reported a rape in the vicinity of the Newton (Auburndale) Marriott Hotel (on Commonwealth Avenue near Rte. 128 Sunday evening.

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# Law Review:

CONT. FROM P.1

"real" reviews are one that eat the meat and potatoes of the law. The student need not conclude that the **B.C. Law Review** is therefore the smartest choice in these tight times or that the **B.C.** is the "best" review to be associated with. Those determinations depend on one's own predilections and one's knowledge of the experience each review has to offer. But the grade invitee or write-on candidate may safely conclude that if he or she is headed toward a traditional law practice with a traditional firm, his or her most promising choice is the profession's choice—the traditional, generalized law review. Of course, the popularity of the **B.C.** cannot be attributed purely to the lure of greater employability. The **B.C.** is also the oldest and most widely distributed of the reviews with a hard-earned reputation for scholarship in competition with the other big school "name" reviews. As such, the generic review is the honest choice of those who want to work and study in broader, varied and well litigated areas of the law. Whatever the motivations of its staff members, the generic review presently commands by far the largest number of grade invitees.

That the **B.C. Law Review** is so popular with "grade-ons" is not a pleasing fact to Dean Huber or to Bert Notini, Editor-in-Chief of the **Review**. It is easy to understand why. The skills important to legal scholarship of the sort required in the reviews, that is, writing and editing, are not necessarily revealed by grade-point averages.

Some of the best writers, says Notini, are the ones who prove themselves by competition. One of the **Review's** senior editors is an example of that very fact. One can imagine, and many students are familiar with, grade invitees who were inferior writers to some students who were below the cut-off GPA. The GPA cut-off is arbitrary and an imperfect means of selecting law review candidates.

For these reasons the writing competition is of vital importance to all of the reviews. There are plans according to Huber and Notini to do a "self-study" this year with respect to this issue. The result is hoped to be a new plan for admitting students to law review, aimed at stemming the flood of grade invitees to the **B.C. Law Review**. **B.C.** was able to take only three write-ons this year, and that number only by over-accepting candidates. With a larger than ever first-year class to draw from next year, it is difficult to imagine a fair way to limit the number who may choose the **B.C.** or any other review under the present system. Certainly membership on the reviews cannot be limited by on a first-to-sign-up, first-to-be-included basis, particularly considering the inconsistency with which students were notified of their invitations over the summer. Arbitrary grade invitations could be eliminated altogether, of course, or limited simply by raising the GPA cut-off level. In either case, writing competitions would likely take on a greater role than ever in the selection process. As such it may be appropriate to change the time

at which the competitions are held, for example, to the period after moot court briefs are due in the spring semester or, as some have suggested, immediately following spring exams or just prior to the start of classes in the fall. In any event, a solution cannot wait until next fall and no reform of the system should be merely palliative.

The grade invitee also has the choice of writing for the **E.A.** or the **International** law reviews. Part of the appeal of these publications is their focus on a specified field or fields of law not traditionally treated in great depth or breadth in the **B.C. Law Review**. Students who choose these reviews are betting that law review experience, regardless of the field or particular topic, will in any event be rewarding and highly regarded by employers. Six grade invitees this year chose the **International and Comparative Law Review** while none chose **Environmental Affairs**. It may be, as the ABA Law Student Division reports in its October-November '82 issue, that lawyers practicing in the less traditional areas of the law, particularly the environmental area, are currently the least in demand. A trend away from the **E.A.**, at least among those who were invited by grades, may only reflect the nation's conservative trends across the board.

## THE COMPETITION

The following are the results of this year's writing competitions listed according to each publication:

**B.C. Law Review:** Out of approximately fifty memoranda picked up, 14 were submitted and three chosen.

**E.A. Law Review:** Out of approximately 90 memoranda picked up, 40 were submitted and 14 chosen, making up the entire second year staff.

**International and Comparative Law Review:** Out of some 90 memoranda picked up, 34 were submitted and ten chosen.

**Third World Law Journal:** Out of some 30 memoranda picked up, ten were submitted and six chosen.

**U.C.C. Reporter—Digest:** Of the 96 competition case annotations picked up, 46 were submitted and 29 chosen, including six third year and M.B.A. joint degree students. One second year student was offered a staff position on the basis of her summer writing for the Digest.

The total number of memoranda picked up is of course misleading. Many students pick up the memos of several of the reviews and then decide not to enter any of them; others may enter several. The submission deadlines were staggered in part to give people the opportunity to attempt more than one write-on. The decision whether or not to write depends on such factors as how interesting is the memo, how smoothly is the writing going, can I keep up this kind of schedule throughout the year while trying to keep grades up, take a part time job, and have a social life? The decision may be often based on the advice of close friends who are now on law review who, ignoring the rare bibliophile, describe law review experience as something between a mixed blessing and a nightmare.

Some entrants feel genuine relief when the list comes out and their names are not on it. The fact is that law review isn't just fun. Second year students have vivid memories of the lone individuals sitting for hours, days and months on end

behind the long tables on the third floor of the library. Several law review members quit during the course of the year or when they find their articles appear unpublishable or when they fall behind prescribed deadlines. Last year six of the second year staff chose not to return to the **B.C. Law Review**.

With five publications (for a total of 20 issues per year) **B.C.** has more publications per student than any other law school, at least in Dean Huber's estimation. However accurate his guess may be, the net effect of **B.C.'s** publication - heavy status on the education at this law school is probably good because it represents an active concern for and development of writing skills necessary for good lawyering. As Law Review detractors are quick to point out, however, **B.C.'s** propensity for publication adversely affects the amount of time spent on other studies and social life and may tend to make students here more review-conscious than is healthy or desirable.

The Law Review detractors however most often express concern not for the true devotee of scholarship nor for the one who simply loves hard work but for the ones who feel they must be on law review, that there will be no success without it, that they are somehow compelled to try for it despite the fact it is unpalatable medicine worth only the healthy salary it may bring. Whatever one's viewpoint, **B.C.'s** law review opportunities are wide and varied and increasingly, as demonstrated by the past decade, appear to be shaping the quality and character of **B.C. Law School**.

## THE ARTICLES

Articles which are published in the school's law journal's pass through several rounds of editing before being published. Although "outside" articles initially are treated differently from those submitted by staff members, all articles ultimately undergo the same editorial treatment.

When an outside contributor submits an article, receipt is acknowledged by letter. (The **B.C. Law Review** does not solicit articles; the **Environmental Law Review** solicits some of its articles.) Then an articles or an executive editor evaluates these contributed articles, considering, according to the **Int. & Comp. L.R.**, such things as the suitability of the topic, recent similar publications and the remaining work. The Editor-in-Chief makes the final decision on the acceptability of the Article. The article is then returned to the writer for revisions. (Environmental notes that an article can be lost to another publication in this time-consuming process.) **B.C.** offers a formal contract once the article is approved. **B.C.** and **Environmental** now publish one to two outside articles in each issue.

Rough drafts can pass through several revisions and editors. Especially important is the accuracy of footnotes, both in the sense that the page is correct and the interpretation of the material found there is correct. Again, the Editor-in-Chief makes final recommendations. **B.C.** reserves the right not to publish articles, but **International & Environmental** tend to publish all articles that satisfy the technical and intellectual requirements, so long as they make the deadlines.

# BETTER GRADES

## OR YOUR MONEY BACK!

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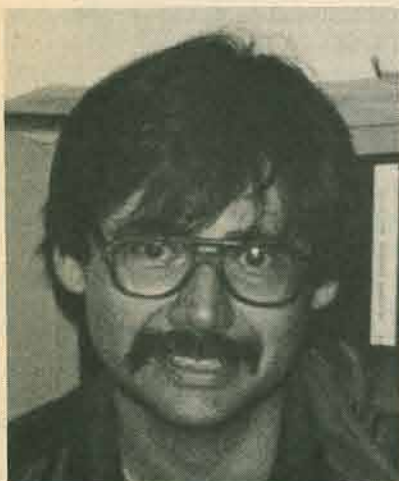
\* If more than one seminar date, please specify your preference. Include your name, address, telephone number, law school and year with your remittance.

\*\* The Primer alone may be obtained by mailing a check or money order for \$12.00. Due to the sophistication of the method, however, attendance at the seminar is recommended.

\*\*\* Wentworth Miller is a Rhodes scholar, a graduate of Yale Law School, and a practicing attorney in New York City. He has extensive experience law students in effective study and exam-writing technique.



# OR BIG MISTAKE?



**Lee Riccardi - Executive Editor of the International & Comparative Law Review**

by Barbara Epstein

Lee's interest in The International and Comparative Law Review (he "wrote on" to it) stems from his own rather cosmopolitan background. Raised in Germany and Austria until he was twelve and having spent his junior year in Berlin, Lee did not want his "language use to get stagnant." Foreign language is also the background for his Master's Degree in Comparative Literature; he is a dissertation short of his doctorate.

As for working on a law review, Lee says he likes but it is clear that he thoroughly enjoys writing and editing. Again, his background is consistent with this interest: a B.A. in English (with a German minor).

Lee's enthusiasm for his work on the law review was clear when he described his duties. Responsible for editing half of the articles, his job is to be "picky;" to ensure that a fact exists behind every statement, and to make sure an article is "intellectually tight." He especially enjoys reading the outside articles, which he receives after an initial screening, and being on the "first line of quality control."

Lee is proud of the law review's high standard of scholarship. Nevertheless, he would like to see a loosening of style without a sacrifice of excellence. "Law review style tends to be gray, and even the people who wrote the articles find them boring." Lee would like to move away from the notion that certain things simply do not appear in a law review article, such as "minor jokes," "idiosyncrasies of phrasing," and "verbal sparkle."

The prospect of working with people and teaching them via the editing process also pleases Lee. He sees himself establishing continuity by teaching new staff members what the editors did last year to prepare them to step into the present editors' shoes next year.

Lee feels that staff members are a "cohesive" group and do not compete among themselves. Elections for offices went smoothly because it was clear who wanted what. Intellectual differences are settled by consensus. Lee feels that competition exists to get onto the review but does not exist once a student is there.

All this is not to say that there are no snags. Lee would like to see an improvement over last year's editorial process. Articles were approved at one level only to be severely edited at the next, suggesting that some editors along the way had not done their job. Also, some attrition occurs. There is a "hell of a lot of work," and people sometimes prefer other things in their lives to devoting all their time to the law review.



**Robert LeBeouf**

The following commentary on the role of the Law Review in the law school community was written by Robert LeBeouf, a 3rd year student here at B.C. Law School. He "graded on" to the **B.C. Law Review** (generic if you will) and was very excited about it at the time. He chose the **B.C. Law Review** because he had no special interest in any of the other reviews, and because he did not want to be limited in choosing his topic. He also felt that there was an outside perception the **B.C. Law Review** was the most prestigious of the journals.

His topic was the Supreme Court sex discrimination cases—including **Michael M.** and several other timely and interesting cases. Bob had no problems with his personal editor, but when he completed his first draft he was told that his format was improper and that he had to be more simplistic and thorough in his initial treatment of the subject. He was told to recount all the past law and procedure of the cases, and to paraphrase what all of the justices had said along the way.

In light of these restrictions, Bob decided that the "Law Review experience" was too restrictive and not creative enough to justify the time and effort required. He voluntarily withdrew. —Ed.

I must preface my remarks about the institution of law review (remarks which will be highly critical) by expressing the sincerest wish not to detract from the accomplishments of and the respect owing to those whose law review experience was more successful and more rewarding than my own. My departure from law review was primarily an act of self-beneficence and not one of social comment; however I don't believe this should detract from the relevance or credibility of my observations.

The institution of law review has come under recent attack, yet remains virtually unchanged since the first casenote rolled off the presses in Cambridge nearly a century ago. For a first rate scholarly critique of the institution of law review I highly recommend Barbara H. Cane: "The Role of Law Review in Legal Education," **Journal of Legal Education**, volume 31, 1981. This author "terminated her connection with law review after about two months," and proceeded to write and publish an article whose scholarly value would rival that of ten student casenotes in the most prestigious of law reviews. My purpose is constructive, but also somewhat shock-oriented: to minimally demonstrate that within a profession and a discipline normally well-suited to growth and development, law review remains stagnant, an unflattering blemish

upon the face of legal education and scholarship, unproductive, indeed counterproductive.

"While law reviews find an audience among students, legal scholars and an occasional practitioner, it is generally conceded that the law review is a species of publication which exists primarily to be written, not to be read . . ." An uncharitable critic pointed out two reasons for the scanty readership of the average law review: "One is its style. The other is its content." These opening words from Ms. Cane's article are perhaps the most incriminating of the institution. Student contributions to law reviews are highly formalistic, uncreative rehashes of recent cases. These casenotes always contain "grossly excessive documentation."

Second year student casenotes fall under the strict editorial scrutiny of third year students, some of whom devoted most of their second years to the mastery of the casenote formula, often to the exclusion of serious study of course material. This phenomenon is part of the "old boy" attitude which surrounds the institution and which makes law review a counterproductive institution within the larger community of the law school. Some of the brightest students and those with the highest grades seem to pledge their allegiance first to their particular journal and secondly to what we presumably are all here for, class work. Perhaps given the boredom and stagnation inherent in the case study method during the last two years of law school, review members are not to be blamed for

seeking refuge. This is a chicken and egg problem more suited to an inquiry into the role of modern legal education generally. Law review performs a definite function in the legal society of weeding out those men and women destined for practice in the elite of our profession's practices: the big corporate firm, the judge's chamber, and yes, the law school. The nature of law review as a straight and well-paved track to the same positions year after year attests to its qualities of uniformity and stagnation. Law review is the first day of hazing within the elite of legal fraternities. Its practices are correspondingly ridiculous and unproductive.

My thoughts on what a law review should be are numerous. With the realization that my view of the ideal law review does not admit of the weeding-out function, indeed because it does not admit of that function, I offer the following questions. (For a more eloquent and in depth treatment, see Newman's **The Ide of a University.**)

- Why does legal research and writing instruction stop after the first year of law school? And why can't law review be a product of the entire upper class student population, under the guidance of professors and within the confines of an honest-to-goodness upper class course of legal research and writing?

- Why are precious law school funds spent ostensibly on an extra-curricular activity but in reality as a somewhat surreptitious placement subsidy to a small number of students who are least in need of such a subsidy given their grades?

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BAR REVIEW



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Racquetball partners wanted to play with intermediate level player at the Rec. Plex. During school hours preferred. Evenings possible. Call Dan at 964-2516. Leave message.

FOR SALE Down vest, red, women's medium, excellent condition. \$20. Also Silva wood cross country skis. Waxable, 190 cm., well worn. XX \$15. Nancy 437-1448, locker 708.

**Yearbook Staff Meetings** on Fridays at 11:00 a.m. in Stuart Basement, M201C. All welcome - staff members needed for lay-out, editing, photography, etc.

# NOTICES

CHESTNUT HILL, Mass. -- **The Elephant Man** will be presented by the Boston College Dramatics Society October 21-23, in the new Boston College Theater Arts Center, at 8 p.m., each evening.

Tickets are \$4 and may be purchased at the Boston College Theater Box Office or by telephoning Laura McManus at 964-5310. Tickets will also be available at the door. Subscription rates are available upon inquiry at the Boston College Theater Box Office.

**The Conservation Research Group (CRG)** had its 2nd general meeting & party on Sept. 29, 1982. Approximately 25 students from all 3 classes attended the meeting, with a good showing from the 1st year class. The faculty advisors are Zyg Plater, Sharon Hamby, Gregor McGregor & Frank Upham. Students signed up for specific research projects to assist local

conservation groups. Interested students can still sign up for research projects - see CRG Bulletin Board (outside Zyg Plater's Office), or any CRG staff member. Renee Smith was elected CRG Coordinator for the fall semester -

**WANTED: FILE CABINET** The LSA wants to buy a used file cabinet. Please let us know if you have one for sale by note to the LSA mailbox, Faculty Mailroom, 3d fl. Stuart.

**LEXIS TRAINING** - Monday, October 4th, the Library begins its Lexis training program for 2nd & 3rd year students. The training sessions, about 90 minutes in length, will continue through Friday, October 22nd. Detailed information about the program is now available at the Circulation/Reserve Desk in the Library.

First year students still have the opportunity to be trained and use LEXIS during the spring semester, 1983.

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## LSA

### CONT. FROM P.1

madhouse during the first few days for first years, 15 books so far have been reported missing without being paid for. At least two students received checks from closed accounts or checks that were returned ISF. An even greater problem is that students have not been picking up their books that were not sold. The LSA office looks like a used book warehouse, with books left from last year piled in the corners, and this year's books and outlines covering every available shelf and desk space. A couple of notices warning that books left in the co-op would be considered abandoned produced no real dent in the number of books. Even though the LSA foresees opening up a study aid co-op later in the year, they have no way to safeguard and store all the hornbooks and study aids until then.

Several short and long-term possibilities were mentioned by Grant and Bizios. If the missing book problem continues to grow, the co-op could resell the abandoned books it has and use the proceeds to reimburse for missing books and to defray the administrative costs of the co-op. Given the number of books that are in the co-op now, it would probably be unfeasible to throw them all away.

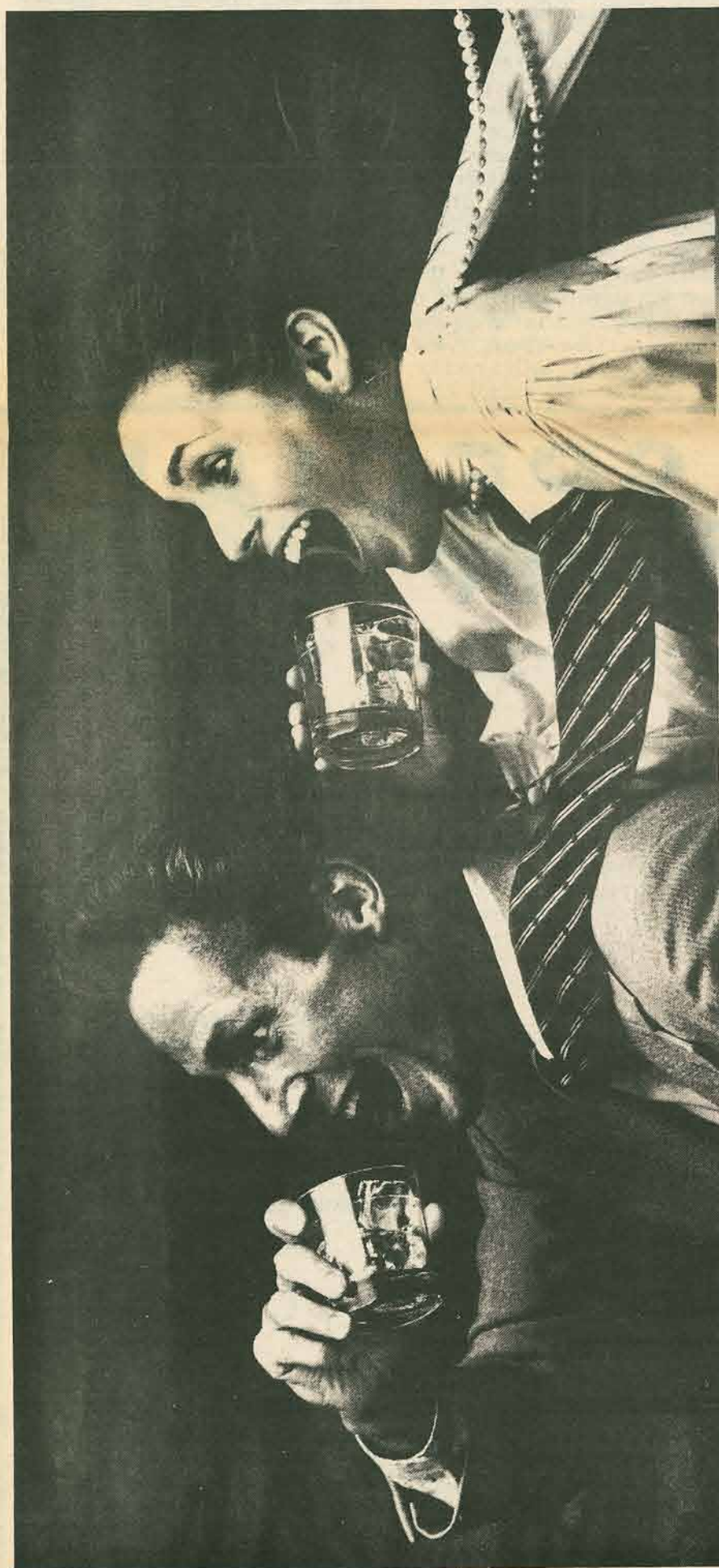
Another possibility is to have the co-op set up like the bookstore, with volunteer "clerks" servicing students, and thereby not allowing students into the co-op room. This would require many more volunteers, and would probably result in fewer hours. It would also mean less shopping around by students to find the book in the right condition and with the right price.

The last and most unpopular alternative is to discontinue the co-op entirely. With the logistical and administrative headaches of this year's co-op, the goal of providing a non-profit service to the community may be deemed impossible to fulfill.

### THE BUZZING BULLETIN BOARD

A very informative innovation from the LSA is the greatly increased use of its bulletin board on the third floor corridor. Thus far it has been an open forum for memos written by Grant to Dean Huber. The first memo dealt with the large incoming first year class, and received a very quick reply from the Dean illuminating the situation. Further memos have been written concerning the parking situation, the use of room 103, and the possible tightening of cum laude graduation standards. The memo format was expanded to produce a letter to Chief of Campus Police Kenneth Watson. The letter inquires about police policy on parking, as well as the general presence of police at Newton, the poor lighting in some of the parking lots, the problems of vandalism and theft at Newton, and the schedule of locking exterior doors.

The LSA bulletin board has also been the scene of requests for volunteers for the student-faculty committees. The system of selecting people for each committee gave Grant and the other LSA officers some headaches, primarily because of a lack of standards for making the choices. The committee process has since moved on to the LSA itself, as student members are sought for the new Budget Committee and for the other standing committees.



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# JAG Recruitment Controversy

CONT. FROM P.1

members representing the administration and the placement office.

The JAG Corps issue will not be easily resolved. First, it has not been definitively decided that use of age, disability and sexual preference as hiring criteria does, in fact, constitute discrimination in the military context. Second, because the issue arises in the placement area, there are countervailing considerations. The Placement Office seeks to maximize the number of employers coming on campus to interview B.C. students. A decision to bar a potential employer's visit would hurt some students even as it helped others. As a result, the Placement Committee must take a conservative approach to expressing social concerns through placement policy.

Finally, the committee must consider what has taken place at other schools which have considered the question. Six law schools which recently refused to allow on campus recruiting by JAG Corps have been met with an Army threat to cut off research grants and ROTC support to their universities. While the Army's implicit threat to B.C. is not relevant to the civil rights question at the heart of the JAG Corps controversy, it does hang over the committee and its deliberations.

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Law School  Year

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#### The Army Wants You!

#### B.C. NLG

On October 18, an Army Representative will be here at Boston College Law School in order to recruit law students for the Army Judge Advocate General Corps (JAG). As indicated in the Boston College Law School Placement Office procedure manual, the law school is "committed to a policy against discrimination based on age, sex, race, color religious creed, disability or national origin. (p.8). Like all other employers recruiting at the law school, the Army is expected "to comply with this policy, and all state and federal laws prohibiting discrimination." However, the Army has not met this expectation. As openly admitted by Major J. Clausen, the head of JAG, JAG discriminates in its hiring process on the basis of physical handicaps and age, as well as sexual preference, regardless of legal ability. A number of law schools have a policy similar to Boston College's and require that on-campus recruiters sign a statement indicating that they will not discriminate on the basis of among other factors the physical handicaps, age, or sexual preference of their students. JAG, according to the New York Times, issued a statement asserting that they could not sign such a statement. Therefore, it does not appear that the law school can remain committed to its stated policy against discrimination and yet continue to allow the Army representative to use the placement office's facilities to recruit Boston College law students for the Army Judge Advocate General Corps.

Several BC law school faculty members have voiced concern regarding the military's discriminatory hiring practices and have requested that the matter be thoroughly discussed by the placement committee. On Friday,

the 24th of September, the Boston College Chapter of the National Lawyer's Guild (NLG) presented a memo to Dean Huber asking that he request that the Boston College Law School Placement Committee give this discrepancy timely consideration.

Boston College would not be the first law school to evaluate JAG's participation in their placement program. Six law schools, (Columbia, Harvard, NYU, UCLA, Wayne ST. Univ., and Yale) upon such consideration, have barred the Army from recruiting on their campuses. The schools have predicated this decision on several factors. Each of the law schools has a policy of non-discrimination comparable to that stated in the BC law school placement manual. The policies of the other schools are different only in that they include sexual preference in their list of prohibitive factors. Like several faculty members here at BC, the law school faculty and administration at the above six schools regard such an anti-discrimination policy as the only appropriate policy for a law school to follow. In addition, the law schools have rejected the Army's rationale for their discriminatory policies. In a recent **Washington Post** Article, the Army indicated that this policy is based upon "military necessity". "Our mission is to prepare for war, be ready," says Army spokesperson Margaret Tackley. However, NYU placement director Michael Magnese pointed out that military lawyers do not "go into the trenches." The Judge Advocate General directs 1830 lawyers who conduct courts-martial, advise the Army chief of staff on legal issues, and work on legal matters. Therefore, none of the disqualifying characteristics are relevant to a law student's or lawyer's employment responsibilities in the JAG program.

Though Boston College has not

yet defined its policy on the issue of sexual preference, the maintenance of a policy allowing such discrimination would stigmatize those students adversely affected. The Placement Office should serve all the students here at Boston College. Discriminatory hiring practices that are not related to a student's professional skills frustrate such a goal. Moreover, the barring of interviewers is not a novel issue for Boston College. During the Vietnam War, military recruitment and the Boston College ROTC program were temporarily halted. In adopting the non-discriminatory policy of the placement proceedings, the law school must have anticipated the possibility of such action in the event of a failure of potential recruiters to comply with the requisite expectations.

As a condition of participation in the recruiting program here at the law school, all employers are to take positive steps to assure that no discrimination on the basis of the above mentioned factors occurs in hiring promotion, compensation, or work assignment. (see manual) Clearly, JAG has not taken such positive steps. Indeed, as recently documented in the **New York Times**, JAG has resisted suggestions by other law school placement offices to change its policies. Rather than reconsider its hiring policies, the Army has threatened those Universities who continue to bar JAG from on-campus recruiting with the loss of their defense research contracts and Reserve Training Units. These threats, however, have not materialized. Furthermore, in order for JAG's recommendation to be effectuated, they would have to be adopted by the Secretary of Defense and would be subject to review by Congress.

Despite these retaliatory actions by the Army, none of the six law schools have changed their non-discriminatory policies. It is the

#### To the Placement Office and the Law School Community:

As an ex-Army officer attending B.C. Law School, I have become concerned over recent attempts by the B.C. Chapter of the National Lawyers Guild to bar Army JAG Corps recruitment on this campus. The B.C.N.L.G. has the hiring policies as discriminating on the basis of age, handicap and sexual preference, regardless of an applicant's "professional legal ability." The fallacy of this argument is that military jobs are not equivalent to civilian jobs. An Army lawyer is not only a lawyer, he is an Army officer and soldier. This does not mean that any Army lawyer will be handed a rifle and told to "take the hill." This does mean that an Army lawyer must meet the same minimum standards that all soldiers must meet. Many military jobs do not involve "taking the hill" but the finance clerk, the mechanic and the infantryman must all meet certain minimum physical and mental standards. Any Army lawyer must be able to serve in dangerous and primitive places world-wide, and yes, an Army lawyer could be handed an rifle and told to defend himself and others. What would be intolerable and illegal discrimination in a civilian context is not in the military context because it has a direct effect on the "professional ability" of an Army lawyer. For these reasons, Congress and the Supreme Court have recognized the special needs of the military and continue to endorse these hiring standards. I would like to add that, in my judgment, the Army is ahead of most civilian employers in the areas of minority and female employment.

As noted by the Placement Office, small law firms of less than 21 lawyers are also exempt from the employment discrimination statute. I doubt that the student body would be willing to bar all small firms with a poor record of minority employment from the campus. I suspect that the Guild finds the JAG Recruiter an easy target because those students do not wish to be employed by the Army, and they lose nothing by expressing their moral indignation.

In conclusion, I believe the Placement Office and the Law School Community as a whole should encourage fair employment practices, but barring employers who meet all legal standards will hurt no one but the students and will change nothing.

**Pat Shepard**

position of the Boston College chapter of NLG that the law school should maintain its policy against discrimination and should adopt as well a policy against discrimination on the basis of sexual preference. In order to remain true to the stated policy, the law school must not allow the Army to recruit here on the 18th. The importance of the various concerns underlying the maintenance of an anti-discrimination policy clearly outweighs the inconvenience suffered to those individuals who would have to interview with JAG off-campus. Secondly, after the 18th, the Placement Committee should thoroughly study the issue of JAG's future recruitment opportunities. As the Placement Office is to serve all students, the final policy determination should reflect input by students, as well as faculty and the administration.



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